

REMARKS

The above amendments include amendments to claims 53, 79, 82, 85 and 86. Claims 71-75, 80 and 83-84 have been canceled without prejudice or disclaimer of any subject matter therein. No claim has been allowed.

In the present Action several rejections have been maintained based on 35 USC § 112, first paragraph. These will next be addressed.

In the first instance, claims 53, 57, 71-75 and 78-88 remain rejected as failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

In this regard, the proposed and remaining amended claims all limit the nucleic acid-binding portion of the polypeptide to estrogen receptor (ER) or androgen receptor (AR) and also limit the chromatin inactivating portion to PLZF. In this manner, the present claims are limited to gene fusion constructs that are believed to be fully disclosed in applicants' specification.

The Examiner is referred once again to pages 44-50, for example. Therefore, the amended claims include defined structural features for both the binding portion and the chromatin inactivating portion that are well characterized. Accordingly,

applicants respectfully request that this rejection be withdrawn.

On pages 4-6 of the Official Action, claims 53, 57, 71-75 and 78-88 remain rejected under 35 USC § 112, first paragraph, because the specification is said to lack enablement over the scope claimed for reasons of record. Applicants respectfully traverse this rejection.

In addition to the above-mentioned amendments, the method claims of the present invention are now limited to *in vitro* uses of the gene fusion construct. It is believed that the present specification provides sufficient information to enable the scope of the subject matter as presently claimed. For example, as previously indicated, pages 44-50 of the specification illustrate how a gene fusion construct in accordance with the claims can be used *in vitro* to suppress the expression of a selected gene. Accordingly, the present claims are believed to be fully enabled and the Examiner is respectfully requested to reconsider this rejection.

In view of the above amendments taken together with the remarks herein and applicants' previous remarks and submissions, applicants submit that the present claims are more than sufficiently described and enabled. Accordingly, the Examiner

is respectfully requested to reconsider her position, enter the present paper and allow the present claims.

Should minor issues remain which, in the opinion of the Examiner, could be resolved by telephone interview, she is invited to contact the undersigned attorney at her convenience to discuss and attempt to resolve same in an effort to expedite prosecution of this application.

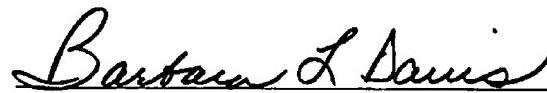
Respectfully submitted,
NIKOLAI & MERSEREAU, P.A.



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment in response to the Official Action mailed August 9, 2005, a Transmittal Letter, a Supplemental Information Disclosure Statement, Petition for a three-month extension of time, together with a check in the amount of \$1,200.00, in application Serial No. 10/019,520, filed June 10, 2002, of Lakjaya Buluwela et al, entitled "CONTROL OF GENE EXPRESSION", and a transmittal letter are being sent by facsimile transmission to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 23, 2006.



Barbara L. Davis
On behalf of C. G. Mersereau

Date of Signature: June 23, 2006